

**LAHIVE
&
COCKFIELD**
L L P

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
lc@lahive.com

JOHN A. LAHIVE, JR. (1928-1997)
THOMAS V. SMURZYNSKI
RALPH A. LOREN
GREGORY A. DIACONTI, JR.
ANN LAMPORT HAMMITTE
ELIZABETH A. MANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
DEANN FORAN SMITH
PETER C. LAURO
DEBRA J. MILASINIC, Ph.D.
DAVID J. RIKKERS
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER
MEGAN E. WILLIAMS, Ph.D.

LISA M. DIROCCO
MATTHEW P. RUSSELL
MARIA LACOTRE ZACHARAKIS, Ph.D.
MERIDETH C. ARNOLD
DANIELLE L. HERRITT
EUNMOON LEE **

SENIOR COUNSEL
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
WILLIAM A. SCOFIELD, JR.
SIBLEY P. REPPERT
JEANNE M. DIGIORGIO
CYNTHIA L. KANIK, Ph.D.

PATENT AGENTS
THEODORE R. WEST
CYNTHIA M. SOROOS
PETER W. DINI, Ph.D.
JONATHAN M. SPARKS, Ph.D.

TECHNICAL SPECIALISTS
CATHERINE M. BISHOP
JACOB G. WEINTRAUB
CRISTIN E. HOWLEY, Ph.D.
JILL ANN MELLO, Ph.D.
DEBORAH L. NAGLE, Ph.D.
ANNE JACQUELINE NOWAK, Ph.D.
ANDRINA WILLIAMS ZINK

* Admitted in TX only
** Admitted in CT only

Facsimile Cover Sheet

To: Examiner Fenn C. Mathew
Company: U.S. Patent and Trademark Office
Location: Group 3764
Phone: 703-305-2846
Fax: 703-872-9303

From: David J. Rikkers
Phone: (617) 227-7400
Fax: (617) 742-4214
Serial No.: 09/903,374
Attorney Docket No.: ATA-297RCE

Date: July 28, 2003
Sent By: DJR/vlh
**Pages including this
cover page:** 19

FAX RECEIVED

JUL 28 2003

GROUP 3700

Message: Enclosed is a Response (13 pages), Request for Continued Examination Transmittal (1 page), Petition for Extension of Time (1 page, in duplicate), and Fee Transmittal (1 page, in duplicate) in response to the Office Action dated February 28, 2003 and Advisory Action dated July 14, 2003.

The documents transmitted by this facsimile are intended for the use of the individual or the entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of the message is not the intended recipient, or the employee or agent responsible for delivering this document to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original facsimile to us at the above address via the U.S. Postal Service. Thank you.

PTO/SB/17 (05-03)

Approved for use through 04/30/2003 OMB 0651-0082

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number

FEE TRANSMITTAL for FY 2003				Complete if Known																																																																																																																																																																																																																																																					
<p style="font-size: small; margin: 0;">Effective 01/01/2003, Patent fees are subject to annual revision.</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>Application Number: 09/003374</p> <p>Filing Date: July 11, 2001</p> <p>First Named Inventor: Steve A. Herweck et al</p> <p>Examiner Name: Fenn C. Mathew</p> <p>Art Unit: 3764</p> <p>Attorney Docket No.: ATA-297RCE</p>																																																																																																																																																																																																																																																					
<p>TOTAL AMOUNT OF PAYMENT (\$): 525.00</p>																																																																																																																																																																																																																																																									
<p>METHOD OF PAYMENT (check all that apply)</p> <p><input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None</p> <p><input checked="" type="checkbox"/> Deposit Account</p> <p>Deposit Account Number: 12-0080</p> <p>Deposit Account Name: Lahive & Cockfield, LLP</p> <p>The Director is hereby authorized to: (check all that apply)</p> <p><input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments</p> <p><input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application</p> <p><input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-designated deposit account</p>				<p>FEE CALCULATION (continued)</p>																																																																																																																																																																																																																																																					
<p>1. BASIC FILING FEE</p> <table border="1" style="width:100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1001</td> <td>750</td> <td>2001</td> <td>375</td> <td>Utility filing fee</td> <td></td> </tr> <tr> <td>1002</td> <td>330</td> <td>2002</td> <td>165</td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>1003</td> <td>520</td> <td>2003</td> <td>260</td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>1004</td> <td>750</td> <td>2004</td> <td>375</td> <td>Reissue filing fee</td> <td></td> </tr> <tr> <td>1005</td> <td>160</td> <td>2005</td> <td>80</td> <td>Provisional filing fee</td> <td></td> </tr> <tr> <td colspan="5" style="text-align: right;">SUBTOTAL (1)</td> <td style="text-align: right;">(\$): 0.00</td> </tr> </tbody> </table>				Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1001	750	2001	375	Utility filing fee		1002	330	2002	165	Design filing fee		1003	520	2003	260	Plant filing fee		1004	750	2004	375	Reissue filing fee		1005	160	2005	80	Provisional filing fee		SUBTOTAL (1)					(\$): 0.00	<p>3. ADDITIONAL FEES</p> <table border="1" style="width:100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or cash</td> <td></td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>2053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for ex parte reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>820*</td> <td>1804</td> <td>820*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>56</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>410</td> <td>2252</td> <td>205</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>930</td> <td>2253</td> <td>465</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1,450</td> <td>2254</td> <td>725</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>1,970</td> <td>2255</td> <td>985</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>320</td> <td>2401</td> <td>160</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>320</td> <td>2402</td> <td>160</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>280</td> <td>2403</td> <td>140</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - unavailed</td> <td></td> </tr> <tr> <td>1453</td> <td>1,300</td> <td>2453</td> <td>650</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1501</td> <td>1,300</td> <td>2501</td> <td>650</td> <td>Utility issue fee (or redesign)</td> <td></td> </tr> <tr> <td>1502</td> <td>470</td> <td>2502</td> <td>235</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>1503</td> <td>630</td> <td>2503</td> <td>315</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>1460</td> <td>130</td> <td>1460</td> <td>130</td> <td>Persons to the Commissioner</td> <td></td> </tr> <tr> <td>1807</td> <td>60</td> <td>1807</td> <td>50</td> <td>Processing fee under 37 CFR 1.17(q)</td> <td></td> </tr> <tr> <td>1808</td> <td>180</td> <td>1808</td> <td>180</td> <td>Submission of Information Disclosure Sheet</td> <td></td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>1809</td> <td>750</td> <td>2809</td> <td>375</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>1810</td> <td>750</td> <td>2810</td> <td>375</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td>1801</td> <td>750</td> <td>2801</td> <td>375</td> <td>Request for Continued Examination (RCE)</td> <td style="text-align: right;">375.00</td> </tr> <tr> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> <tr> <td colspan="5">Other fee (specify): Request for One Additional Month (total of 3) Extension - small entity</td> <td style="text-align: right;">150.00</td> </tr> <tr> <td colspan="5">*Reduced by Basic Filing Fee Paid</td> <td></td> </tr> <tr> <td colspan="5" style="text-align: right;">SUBTOTAL (3)</td> <td style="text-align: right;">(\$): 625.00</td> </tr> </tbody> </table>				Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or cash		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	2053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for ex parte reexamination		1804	820*	1804	820*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	56	Extension for reply within first month		1252	410	2252	205	Extension for reply within second month		1253	930	2253	465	Extension for reply within third month		1254	1,450	2254	725	Extension for reply within fourth month		1255	1,970	2255	985	Extension for reply within fifth month		1401	320	2401	160	Notice of Appeal		1402	320	2402	160	Filing a brief in support of an appeal		1403	280	2403	140	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavailed		1453	1,300	2453	650	Petition to revive - unintentional		1501	1,300	2501	650	Utility issue fee (or redesign)		1502	470	2502	235	Design issue fee		1503	630	2503	315	Plant issue fee		1460	130	1460	130	Persons to the Commissioner		1807	60	1807	50	Processing fee under 37 CFR 1.17(q)		1808	180	1808	180	Submission of Information Disclosure Sheet		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))		1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))		1801	750	2801	375	Request for Continued Examination (RCE)	375.00	1802	900	1802	900	Request for expedited examination of a design application		Other fee (specify): Request for One Additional Month (total of 3) Extension - small entity					150.00	*Reduced by Basic Filing Fee Paid						SUBTOTAL (3)					(\$): 625.00
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																																																																				
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																																																																						
1001	750	2001	375	Utility filing fee																																																																																																																																																																																																																																																					
1002	330	2002	165	Design filing fee																																																																																																																																																																																																																																																					
1003	520	2003	260	Plant filing fee																																																																																																																																																																																																																																																					
1004	750	2004	375	Reissue filing fee																																																																																																																																																																																																																																																					
1005	160	2005	80	Provisional filing fee																																																																																																																																																																																																																																																					
SUBTOTAL (1)					(\$): 0.00																																																																																																																																																																																																																																																				
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																																																																				
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																																																																						
1051	130	2051	65	Surcharge - late filing fee or cash																																																																																																																																																																																																																																																					
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																																																																																					
1053	130	2053	130	Non-English specification																																																																																																																																																																																																																																																					
1812	2,520	1812	2,520	For filing a request for ex parte reexamination																																																																																																																																																																																																																																																					
1804	820*	1804	820*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																																																																					
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																																																																																					
1251	110	2251	56	Extension for reply within first month																																																																																																																																																																																																																																																					
1252	410	2252	205	Extension for reply within second month																																																																																																																																																																																																																																																					
1253	930	2253	465	Extension for reply within third month																																																																																																																																																																																																																																																					
1254	1,450	2254	725	Extension for reply within fourth month																																																																																																																																																																																																																																																					
1255	1,970	2255	985	Extension for reply within fifth month																																																																																																																																																																																																																																																					
1401	320	2401	160	Notice of Appeal																																																																																																																																																																																																																																																					
1402	320	2402	160	Filing a brief in support of an appeal																																																																																																																																																																																																																																																					
1403	280	2403	140	Request for oral hearing																																																																																																																																																																																																																																																					
1451	1,510	1451	1,510	Petition to institute a public use proceeding																																																																																																																																																																																																																																																					
1452	110	2452	55	Petition to revive - unavailed																																																																																																																																																																																																																																																					
1453	1,300	2453	650	Petition to revive - unintentional																																																																																																																																																																																																																																																					
1501	1,300	2501	650	Utility issue fee (or redesign)																																																																																																																																																																																																																																																					
1502	470	2502	235	Design issue fee																																																																																																																																																																																																																																																					
1503	630	2503	315	Plant issue fee																																																																																																																																																																																																																																																					
1460	130	1460	130	Persons to the Commissioner																																																																																																																																																																																																																																																					
1807	60	1807	50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																																																																																																																					
1808	180	1808	180	Submission of Information Disclosure Sheet																																																																																																																																																																																																																																																					
8021	40	8021	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																																																					
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																																																																																					
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																																																																																					
1801	750	2801	375	Request for Continued Examination (RCE)	375.00																																																																																																																																																																																																																																																				
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																																																																																																																					
Other fee (specify): Request for One Additional Month (total of 3) Extension - small entity					150.00																																																																																																																																																																																																																																																				
*Reduced by Basic Filing Fee Paid																																																																																																																																																																																																																																																									
SUBTOTAL (3)					(\$): 625.00																																																																																																																																																																																																																																																				
<p>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</p> <table border="1" style="width:100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th colspan="2">Total Claims</th> <th colspan="2">Extra Claims</th> <th colspan="2">Fee from Database</th> <th colspan="2">Fee Paid</th> </tr> <tr> <th></th> <th></th> <th></th> <th></th> <th></th> <th></th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>12</td> <td>-12 =</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>2</td> <td>-3 =</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;">0.00</td> </tr> </tbody> </table> <p>Multiple Dependent: = </p> <table border="1" style="width:100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1202</td> <td>18</td> <td>2202</td> <td>9</td> <td>Claims in excess of 20</td> <td></td> </tr> <tr> <td>1201</td> <td>84</td> <td>2201</td> <td>42</td> <td>Independent claims in excess of 3</td> <td></td> </tr> <tr> <td>1203</td> <td>280</td> <td>2203</td> <td>140</td> <td>Multiple dependent claim, if not paid</td> <td></td> </tr> <tr> <td>1204</td> <td>84</td> <td>2204</td> <td>42</td> <td>** Reissue independent claims over original patent</td> <td></td> </tr> <tr> <td>1205</td> <td>18</td> <td>2205</td> <td>9</td> <td>** Reissue claims in excess of 20 and over original patent</td> <td></td> </tr> <tr> <td colspan="5" style="text-align: right;">SUBTOTAL (2)</td> <td style="text-align: right;">(\$): 0.00</td> </tr> </tbody> </table> <p><small>** or number previously paid, if greater. For Reissues, see above</small></p>				Total Claims		Extra Claims		Fee from Database		Fee Paid										12	-12 =						0.00	2	-3 =						0.00	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1202	18	2202	9	Claims in excess of 20		1201	84	2201	42	Independent claims in excess of 3		1203	280	2203	140	Multiple dependent claim, if not paid		1204	84	2204	42	** Reissue independent claims over original patent		1205	18	2205	9	** Reissue claims in excess of 20 and over original patent		SUBTOTAL (2)					(\$): 0.00																																																																																																																																																																								
Total Claims		Extra Claims		Fee from Database		Fee Paid																																																																																																																																																																																																																																																			
12	-12 =						0.00																																																																																																																																																																																																																																																		
2	-3 =						0.00																																																																																																																																																																																																																																																		
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																																																																				
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																																																																						
1202	18	2202	9	Claims in excess of 20																																																																																																																																																																																																																																																					
1201	84	2201	42	Independent claims in excess of 3																																																																																																																																																																																																																																																					
1203	280	2203	140	Multiple dependent claim, if not paid																																																																																																																																																																																																																																																					
1204	84	2204	42	** Reissue independent claims over original patent																																																																																																																																																																																																																																																					
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																																																																																					
SUBTOTAL (2)					(\$): 0.00																																																																																																																																																																																																																																																				
<p>SUBMITTED BY</p> <p>Name (Print/Type): David J. Ridders</p> <p>Registration No. (Attorney/Agent): 43,882</p> <p>Signature: </p>				<p>Complete (if applicable)</p> <p>Telephone: (617) 227-7400</p> <p>Date: July 28, 2003</p>																																																																																																																																																																																																																																																					
<p>I hereby certify that this correspondence is being facsimile transmitted to Fenn C. Mathew at Facsimile No. (703) 872-9303, Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450</p> <p>Dated: July 28, 2003 Signature: (David J. Ridders)</p>																																																																																																																																																																																																																																																									